

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EMILY BARR, CAROLYN EARL,
RITA HANNA, MICHAEL WEBSTER,

Case No. 23-cv-10808

Plaintiffs,

Hon. Jonathan J.C. Grey

v.

Magistrate Judge David R. Grand

COREWELL HEALTH D/B/A
BEAUMONT HEALTH,

Defendant.

**Defendant's Reply in Support of Non-Opposed Motion to Stay Discovery
Pending Resolution for Motion for Judgment on the Pleadings**

On November 21, 2023, Corewell moved to stay discovery. ECF No. 14, PageID.264. The stay request is based on the pendency of Corewell's Rule 12(c) motion for judgment on the pleadings (ECF No. 13), which if granted could either eliminate or narrow the appropriate scope of discovery going forward.¹ ECF No. 14, PageID.271. District courts have broad discretion to stay discovery when a pending motion could affect the scope of that discovery or eliminate the need for discovery altogether. PageID.272. Because the Court's ruling on Corewell's 12(c) motion could similarly eliminate or narrow the scope of discovery here, a stay is appropriate until the motion is resolved. PageID.272-274.

Plaintiffs' response to Corewell's motion for a stay of discovery was due on December 5, 2023. *See* EDM Local Rule 7.1(e)(1) (setting a 14-day response time for motions, with exceptions not applicable here). But Plaintiffs did not respond, thus waiving opposition to the motion. *See, e.g., Humphrey v. U.S.*, 279 F. App'x 328, 331 (6th Cir. 2008) ("if a plaintiff fails to respond or to otherwise oppose a defendant's motion, then the district court may deem the plaintiff to have waived opposition to the motion."). The scenario here is thus identical to that in *Hoosier v. Liu*, 2016 WL 6650386, at *2 (E.D. Mich. Nov. 10, 2016), cited in the opening brief. There, as here, the defendant filed a motion to stay discovery pending resolution of

¹Several other courts in this district have dismissed nearly-identical claims in other lawsuits filed by Plaintiff's counsel. *See* ECF No. 13, PageID.99-100, 108-109.

a Rule 12(c) motion. ECF No. 14-4, PageID.352. After the fourteen-day deadline for Plaintiff's response brief "passed without Plaintiff responding to the motion to stay," the Court held that the plaintiff waived opposition to the motion, granted the motion as unopposed, and stayed discovery. PageID.352-353. The same outcome is warranted here. Corewell asks the Court to enter the stay without delay, as Plaintiffs earlier served discovery for which responses are due Monday, December 11.

Conclusion

For the reasons stated in its motion and this reply, Corewell requests a stay of discovery until the Court has resolved Corewell's 12(c) motion.

Respectfully submitted,

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& FORREST, P.L.C.

By: /s/Thomas J. Davis

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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2023, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to all parties of record.

/s/ Thomas J. Davis

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